

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	CR419-149
)	
BARRY WRIGHT,)	
)	
Defendant.)	

ORDER

Defendant Barry Wright is indicted on one count of possession of an unregistered destructive device, in violation of 26 U.S.C. § 5861(d), and one count of use of fire or explosive to commit any felony offense, in violation of 18 U.S.C. § 844(h). *See* doc. 2 (Indictment). He has filed nine motions to suppress evidence discovered pursuant to warrants issued for multiple addresses on multiple dates, a vehicle, and various electronic searches. *See* docs. 25-34. The Court scheduled a hearing on those motions for September 9, 2020, by video teleconference (“VTC”). *See* doc. 51. In response to that notice, defendant informed the Court that he declined to consent to a hearing by VTC. Doc. 52. In response to that notice, the Court reset the hearing to occur in-person on September 9, 2020. Doc. 53.

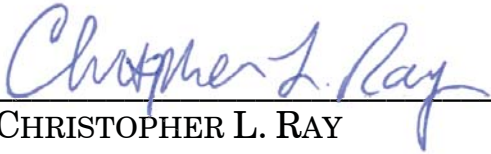
After the Court reset the hearing, defendant filed another notice consenting to hold the hearing by VTC. Doc. 54. Shortly thereafter, he moved for the hearing to be conducted by VTC. Doc. 55. Defendant's motion makes it clear that his intent in declining consent was not to appear for an in-person hearing, given the risks of exposure to COVID-19 such an appearance incurs, but to seek a continuance of the hearing in the hope that an in-person presentation would be possible, once the risk of COVID-19 had abated. *See* doc. 55 at 1-2.

Given the complexity and breadth of defendant's motions, the Court is skeptical that a VTC hearing will be efficient. To the extent that Wright is amenable to some delay in holding the hearing in-person, the Court construes his Motion as a request to continue the September 9 hearing. That request is **GRANTED**. Doc. 55. The hearing will be continued until such time as the restrictions on in-person hearings are removed or until such time as defendant and the Government agree that the risk of appearing in-person does not outweigh defendant's interest in an expeditious resolution of his motion.

To that end, the parties are **DIRECTED** to file a Joint Status Report within seven days of the conclusion of each period excluded under the

Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), by the Chief Judge of this District. *See, e.g.*, doc. 45. If either party wishes to schedule a hearing on defendant's motions, they should indicate that desire in the Status Report. If the hearing has not been scheduled, within seven days of the conclusion of the last period excluded by the Chief Judge, the parties are **DIRECTED** to confer and notify the undersigned's Courtroom Deputy Clerk of available dates to schedule the hearing.

SO ORDERED, this 4th day of September, 2020.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA